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REMARKS

In the Office Action, the Examiner noted that claims 1-26 and 28-34 are pending in the application and that claims 1-26 and 28-34 stand rejected. By this response, claim 16 has been amended, and claims 28-34 have been renumbered as claims 27-33 to correct the initial typographical error of not providing a claim 27.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

Rejection of Claims 1-5, 8-16, 20-26 and 28-34 Under 35 U.S.C. §102(e)

Claims 1-5, 8-16, 20-26 and 28-35 are rejected under 35 U.S.C. §102(e) as being anticipated by the Schein et al. patent (U.S. Patent No. 6,263,501, issued July 17, 2001). The applicants respectfully traverse.

The Examiner contends that "the [Schein] guide has a video layer and a graphics layer which provide emphasis and deemphasis of objects in the video layer (for example, elements 528, 526 in FIG. 20B and 530 in FIG. 16B)." The Examiner also contends that "the video layer has a video region and a graphical region." The applicants respectfully disagree with this characterization. The applicants contend that Schein does not disclose layers at all. Rather, Schein discloses a single image having primarily a graphics region and, optionally, an inset video region. The graphics region and video region do not operate as distinct layers; rather, the graphics and video regions are respective portions of a single layer.

A program guide according to the present invention comprises both a video layer and a graphics layer. The video layer includes various objects which are provided with emphasis and deemphasis via graphics layer manipulation. Thus, the video and graphics layers must be overlayed, at least where such emphasis and deemphasis is to be provided to the video layer objects. By contrast, the displayed imagery envisioned by the Schein arrangement is not layered imagery comprising video and graphics layers

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as discussed in the instant application. Rather, the Schein arrangement utilizes screen regions to display graphics imagery and video imagery. Specifically, there is no instance of video imagery displayed on a layer within the Schein arrangement wherein a graphics layer disposed thereover is used to perform any modifications to video layer imagery. In fact, the term "layer" is not present within the Schein patent, thereby further evidencing applicants' contention that Schein does not disclose or suggest the layers of the present invention and, more particularly, the use of the graphics layer to emphasize or deemphasize video layer objects. There is simply no overlaying of video and graphics layers disclosed within Schein. Thus, Schein cannot perform the claimed emphasis/de-emphasis function.

As noted in the description of FIG. 3 of Schein beginning in column 8, line 28, an on-screen display controller and formatter (OSDCF) performs various functions including on-screen display controller (OSD) functions. As noted at the top of column 9, "the OSD reads high level graphic commands sent from the processor 100 and stores graphic information in the RAM. The OSD output ... graphic data which is used to generate a local video signal. Depending on the state of the user input interface ... the OSD local video output or the incoming live video will be displayed." That is, graphic information provided by the OSD will be displayed or video information from the incoming live video will be displayed. Thus, Schein teaches selectively displaying one of video and graphics imagery.

Referring to the television schedule system 500 of FIGS. 16-21, it is noted that all of the displayed imagery except the program area 526 comprises graphics layer imagery generated by the OSD. The program area 526 comprises a decimated or reduced size video image that is located in a fixed position or region in a well-known manner. There is no teaching or suggestion within Schein of emphasizing or deemphasizing any portion of the video imagery within the program area 526. There is also no teaching or suggestion within Schein of the presence of any objects within the program area 526 which could be subjected to such emphasis and deemphasis.

With respect to the preview window area 528, imagery within the preview window area 528 is seemingly provided by either a video source or a graphics source. As noted

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in column 21, lines 57-58, in the case of the graphics source "preview window area 528 may also be interactional similar to the other areas of guide 502." It is noted that the interactional areas of guide 502 do not include the program area 526. Rather, the interactional areas of guide 502 include portions solely generated using the OSD capabilities of the Schein system. This is entirely unlike the subject invention.

Therefore, the applicants submit that claim 1 fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Moreover, since claim 16 has been amended to include the same relevant limitations discussed above with respect to claim 1, it is respectfully submitted that claim 16 is also patentable for at least the reasons discussed above with respect to claim 1. Finally, since claims 2-15 and 17-33 (as re-numbered) depend, either directly or indirectly, from claims 1 or 16 and recite additional limitations therefrom, it is respectfully submitted that all these dependent claims are patentable for at least the reasons discussed above with respect to claims 1 and 16.

Further with respect to claim 8, the cited portion of Schein merely discloses that an applet may be used to deliver software and/or listing information for a guide to be displayed. There is no teaching of providing video layer information via an applet. Rather, the information provided by the applet is used to perform various processing functions and/or provide data which is subsequently displayed in a graphics region.

Rejection of Claims 6-7 and 17-19 Under 35 U.S.C. §103(a)

Claims 6-7 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Schein patent in view of the Blonstein et al. patent (U.S. Patent No. 6,016,144 issued January 18, 2000).

It is respectfully submitted that all the claims in the patent application are patentable for at least the reasons discussed above with respect to claims 1 and 8.

Blonstein discloses a multi-layered television graphical user interface. Specifically, the Blonstein arrangement utilizes a graphics processing engine to generate two graphics planes including, in one mode of operation, a transparent layer which exposes graphical buttons produced in a lower graphics layer. The Blonstein arrangement does not disclose or suggest a video layer and, more importantly, does not

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disclose or suggest a video layer in which video objects are emphasized or deemphasized by a graphics layer. It is important to note that Blonstein is entirely directed towards graphic processing within the context of a graphical user interface, and not the mixed video and graphics layer processing of the present invention.

As noted by the Examiner, "Schein et al. do not specifically show the masking and revealing an object." The applicants agree with this, since such mask and reveal require a masking layer. However, to the extent that Schein shows any changing of opacity and emphasis of an object, such object comprises a graphics region object and not a video region object, and certainly not a video layer object. Blonstein does show masking and revealing of a lower graphics layer object user a higher graphics layer. However, there is no teaching or suggestion of using a video layer, and certainly no teaching or suggestion of masking and revealing video layer objects by a graphics layer.

Thus, either singly or in any allowable combination, the Schein and Blonstein arrangements fail to disclose or suggest the emphasis/de-emphasis (or mask/reveal) of a video layer object using a graphics layer. The references are directed to graphics region (Schein) or layer (Blonstein) processing only and do not teach or suggest the claimed invention. Therefore, the applicants submit that claims 6-7 and 17-19, as they now stand, fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

### Conclusion

Thus, the applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, the applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (908) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,



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**MARKED UP CLAIMS**

16. (amended) A method of interaction for a program guide:

generating, within service provider equipment of an information distribution system, a bitstream representing a program guide having a video layer and a graphics layer;

communicating said bitstream to subscriber equipment;

converting, within said subscriber equipment, said bitstream into a display of said program guide; and

selectively providing at least one of emphasis and de-emphasis of at least one video layer object using said graphics layer.

[28]27. The method of claim 16 wherein all object identification functions are preformed locally to the subscriber equipment.

[29]28. The method of claim 16 further comprising identifying an object and selecting the identified object to synchronously jump from broadcast mode to pointcast mode.

[30]29. The method of claim [29]28 further comprising the step of returning to the broadcast mode when a pointcast transmission ends.

[31]30. The method of claim 16 wherein identification and selection of an object causes the graphics layer to emphasize certain objects with respect to remaining objects.

[32]31. The method of claim 16 further comprising the steps of:

selecting an emphasized object in said program guide;

communicating the selection to service provider equipment; and

sending, from said service provider equipment, a multi-media bitstream corresponding to said selected object.

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[33]32. The method of claim [32]31 wherein said multi-media bitstream is a video-on-demand movie.

[34]33. The method of claim 16 further comprising the steps of:

selecting an emphasized object in said program guide;

causing an event in the service provider equipment, where said event is on or more of tuning to an analog channel, tuning to a digital channel or launching a resident capability in the service provider equipment.